

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

NICHOLAS DUTTLE, *et al.*,

Plaintiffs,

vs.

Case No. 10-cv-839 MCA/GBW

CURTIS CHILDRESS, *et al.*

Defendants.

**ORDER DENYING JOINT MOTION TO EXTEND RESPONSE DEADLINE**

THIS MATTER is before the Court on Plaintiffs Nicholas and Shaun Duttles' Joint Motion to Extend for Time to Respond (*doc. 195*) to the County Defendants' Second Motion for Summary Judgment (*doc. 193*). Defendant Childress has also filed a Motion for Summary Judgment. *Doc. 194*. Plaintiffs' Motion is doubly deficient and will therefore be denied.

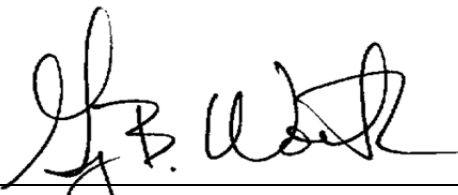
To begin, Plaintiffs have again failed to seek concurrence from opposing counsel as required by the local rules. *See, e.g., doc. 188*. The local rules provide that "a motion that omits recitation of a good-faith request for concurrence may be summarily denied." D.N.M.LR-Civ. 7.1. Thus, Plaintiff's Motion may be denied on this ground alone.

Furthermore, the Court set the current briefing deadlines only after conferring with the parties. *Doc. 191*. Specifically, at a hearing held on November 18, 2014, the Court consulted with both parties in outlining a timeframe for summary judgment

motions. *Id.* at 4. The Court asked whether the allotted timeframe presented any scheduling issues. *Id.* at 4-5. Plaintiffs indicated that they had no such issues. *Id.* Thus, not only were the parties consulted, but the order reflects deadlines exceeding the typical briefing timeframe.

Having taken these measures, and noting the age of the case, the scheduling order explicitly stated, “**no extensions of these deadlines will be permitted barring exceptional circumstances.**” *Doc. 192.* Plaintiff Shaun Duttie avers that he is a fulltime student and is also working full time. *Doc. 195.* Plaintiff Nick Duttie states that he is preparing for the spring climbing season and recently completed a difficult climb. *Id.* These circumstances are neither new nor exceptional. *See doc. 186* (seeking to vacate a hearing because Plaintiff Nicholas Duttie is working and is in school, and Plaintiff Shaun Duttie is a professional rock climber).

IT IS THEREFORE ORDERED that Plaintiffs’ Joint Motion to Extend for Time to Respond (*doc. 195*) is DENIED. Responses to the County Defendants’ Second Motion for Summary Judgment (*doc. 193*) and Defendant Childress’s Motion for Summary Judgment (*doc. 194*) are due no later than **February 13, 2015**.



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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE